



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 19349 of 2011

Mr.P.Kannan

... Petitioner

-vs-

1. The District Collector,
Salem District,
Salem.

2. The District Revenue Officer,
Salem District,
Salem.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to consider the representation and to pass orders on the representation made in 30.06.2002 by the petitioner for appointment as Junior Assistant in Revenue Department on compassionate grounds.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent to consider the representation and to pass orders on the representation dated 30.06.2002 made by the petitioner for appointment as Junior Assistant in Revenue Department on compassionate grounds.

2. The petitioner's father one Palaniappan, who was working as Office Assistant at the Collector's Office, Salem, i.e., first respondent Office, died suddenly due to heart attack, while he was in service on 17.12.2000. In view of the sudden demise of the head of the family, the wife of the deceased made an application on 16.07.2001, seeking compassionate appointment to the petitioner, who is the son of the deceased. However, on



the day of entertaining the application, since the petitioner has not completed S.S.L.C., which is the essential qualification for the post of Junior Assistant, the application was not immediately considered.

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3. However, the petitioner completed S.S.L.C., in March 2002 and he had made an application on 10.06.2002 and the said application had been forwarded to the second respondent, who after considering the eligibility had registered his name in the Register for the purpose of compassionate appointment, where the name of the petitioner has been registered at Serial No.45 at the time of filing the Writ Petition and this has been quoted by the first respondent in his counter affidavit filed in August 2012. In order to appreciate the same, the relevant portion of the counter is extracted herein:

"The petitioner is eligible for the post of Record Clerk. It is submitted that during the year 2010-2011 4 post of Junior Assistant 9 Post of Village Administrative Officer were filed up under compassionate ground in accordance to the prevailing rules and seniority maintained in the compassionate ground application register maintained in this office. The petitioner's name was registered in the Serial No. 45 of the above register. It is submitted that 10th pass (S.S.L.C) is the basic educational qualification for Junior Assistant Post, the petitioner herein, was not consider to the post of Junior Assistant since he had not passed 10th standard (S.S.L.C.) on the date of application i.e., on 16.07.2001 by his mother Tmt.Meena. However the petitioner herein is eligible for the post of Record Clerk according to his educational qualifications and suitable appointment for the post of Record Clerk will be provided to the petitioner after verification of the documents as and when he attained the seniority basis".

4. In view of the said stand taken by the respondents especially in the counter affidavit filed by the first respondent, which has been relied upon by the leaned Special Government Pleader appearing for the respondents, this Court feels that, a direction can be given to the respondents to consider the request of the petitioner, if it is not already considered, of course on the basis of seniority as per the seniority register meant for compassionate appointment at the first respondent office and accordingly, the issue can be decided at the earliest point of time.



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5. Resultantly, this Court is inclined to dispose of this Writ Petition with the following directions:

"(i) That the respondents are hereby directed to consider the request of the petitioner for compassionate appointment, pursuant to his name having been registered in the Register maintained in this regard at the first respondent office at Serial No. 45 and accordingly pass necessary orders to that effect of course on the basis of the seniority, if it is not already decided and considered by the respondents.

(ii) The needful as indicated above shall be undertaken within a period of three months from the date of receipt of a copy of this order.

6. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vji

To

1. The District Collector,
Salem District,
Salem.
2. The District Revenue Officer,
Salem District,
Salem.

+1cc to the Government Pleader, S.R.No.10307

W.P. No. 19349 of 2011

PMK (CO)
KM(27/04/2021)